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**BEFORE THE  
PHYSICAL THERAPY BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 1D-2005 64311

CATHERINE T. BAGSIC  
206 Carmel St.  
San Pablo, CA 94806

**ACCUSATION**

Physical Therapist Assistant License  
No. AT 6671

Respondent.

Complainant alleges:

**PARTIES**

1. Steven K. Hartzell (Complainant) brings this Accusation solely in his official capacity as the Executive Officer of the Physical Therapy Board of California, Department of Consumer Affairs.

2. On or about March 31, 2004, the Physical Therapy Board of California issued Physical Therapist Assistant License Number AT 6671 to Catherine T. Bagsic ("respondent"). The Physical Therapist Assistant License was in full force and effect at all times relevant to the charges brought herein and will expire on February 29, 2008 unless renewed.

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## JURISDICTION

3. This Accusation is brought before the Physical Therapy Board of California (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code<sup>1</sup> unless otherwise indicated.

4. Section 2609 of the Code states:

“The board shall issue, suspend, and revoke licenses and approvals to practice physical therapy as provided in this chapter.”

5. Section 2655 of the Code states:

“As used in this article:

(a) ‘Physical therapist’ means a physical therapist licensed by the board.

(b) ‘Physical therapist assistant’ means a person who meets the qualifications stated in Section 2655.3 and who is approved by the board to assist in the provision of physical therapy under the supervision of a physical therapist who shall be responsible for the extent, kind, and quality of the services provided by the physical therapist assistant.

(c) ‘Physical therapist assistant’ and ‘physical therapy assistant’ shall be deemed identical and interchangeable.”

6. Section 2655.7 of the Code states:

“Notwithstanding Section 2630, a physical therapist assistant may assist in the provision of physical therapy service provided the assistance is rendered under the supervision of a physical therapist licensed by the board.”

7. Section 2630 of the Code provides:

“It is unlawful for any person or persons to practice, or offer to practice, physical therapy in this state for compensation received or expected, or to hold himself or herself out as a physical therapist, unless at the time of so doing the

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1. All statutory references are to the Business and Professions Code unless otherwise specified.

1 person holds a valid, unexpired, and unrevoked license issued under this chapter.”

2 Nothing in this section shall restrict the activities authorized by their licenses on the part  
3 of any persons licensed under this code or any initiative act, or the activities authorized to be  
4 performed pursuant to Article 4.5 (commencing with section 2655) or Chapter 7.7 (commencing  
5 with section 3500).

6 A physical therapist licensed pursuant to this chapter may utilize the services of one aide  
7 engaged in patient-related tasks to assist the physical therapist in his or her practice of physical  
8 therapy. “Patient-related task” means a physical therapy service rendered directly to the patient  
9 by an aide, excluding non-patient-related tasks. “Non-patient-related task” means a task related  
10 to observation of the patient, transport of the patient, physical support only during gait or transfer  
11 training, housekeeping duties, clerical duties, and similar functions. The aide shall at all times be  
12 under the orders, direction, and immediate supervision of the physical therapist. Nothing in this  
13 section shall authorize an aide to independently perform physical therapy or any physical therapy  
14 procedure. The board shall adopt regulations that set forth the standards and requirements for the  
15 orders, direction, and immediate supervision of an aide by a physical therapist. The physical  
16 therapist shall provide continuous and immediate supervision of the aide. The physical therapist  
17 shall be in the same facility as, and in proximity to, the location where the aide is performing  
18 patient-related tasks, and shall be readily available at all times to provide advice or instructions to  
19 the aide. When patient-related tasks are provided to a patient by an aide, the supervising physical  
20 therapist shall, at some point during the treatment day, provide direct service to the patient as  
21 treatment for the patient’s condition, or to further evaluate and monitor the patient’s progress,  
22 and shall correspondingly document the patient’s record.

23 The administration of massage, external baths, or normal exercise not a part of a physical  
24 therapy treatment shall not be prohibited by this section.

25 8. Section 2620.7 of the Code provides:

26 “(a) A physical therapist shall document his or her evaluation, goals,  
27 treatment plan, and summary of treatment in the patient record.

28 (b) A physical therapist shall document the care actually provided to a

1 patient in the patient record.

2 (c) A physical therapist shall sign the patient record legibly.

3 (d) Patient records shall be maintained for a period of no less than seven  
4 years following the discharge of the patient, except that the records of  
5 unemancipated minors shall be maintained at least one year after the minor has  
6 reached the age of 18 years, and not in any case less than seven years.”

7 9. Section 2608.5 of the Code provides:

8 “Each member of the board, or any physical therapist appointed by the  
9 board, may inspect, or require reports from, a general or specialized hospital or  
10 any other facility providing physical therapy care, treatment or services and the  
11 physical therapy staff thereof, with respect to the physical therapy care, treatment,  
12 services, or facilities provided therein, and may inspect physical therapy patient  
13 records with respect to the care, treatment, services, or facilities. The authority to  
14 make inspections and to require reports as provided by this section shall not be  
15 delegated by a member of the board to any person other than a physical therapist  
16 and shall be subject to the restrictions against disclosure described in Section  
17 2263.”

18 10. Section 2660 of the Code provides, in pertinent part, that the Board may suspend,  
19 revoke or impose probationary conditions upon any license for unprofessional conduct that  
20 includes, ***but is not limited to***, one or any combination of the following causes:

21 “(h) Gross negligence in his or her practice as a physical therapist or  
22 physical therapy assistant.

23 (i) . . . . Violating or attempting to violate directly or indirectly, . . .  
24 any provision or term of this chapter or of the ***State Medical Practice Act***.  
25 (Emphasis added)

26 (j) The aiding or abetting of any person to violate this chapter or any  
27 regulations duly adopted under this chapter.

28 (k) The aiding or abetting of any person to engage in the unlawful

1 practice of physical therapy.”

2 11. Section 2655.92 of the Code states:

3 “The board may adopt regulations as reasonably necessary to carry out the  
4 purposes of this article. The board shall adopt a regulation formulating a  
5 definition of the term ‘adequate supervision’ as used in this article.”

6 12. Section 1398.44 of Title 16 of the California Code of Regulations states, in  
7 pertinent part:

8 “1398.44. Adequate Supervision Defined.

9 A licensed physical therapist shall at all times be responsible for all  
10 physical therapy services provided by the physical therapist assistant. The  
11 supervising physical therapist has continuing responsibility to follow the progress  
12 of each patient, provide direct care to the patient and to assure that the physical  
13 therapist assistant does not function autonomously. Adequate supervision shall  
14 include all of the following:

15 (a) The supervising physical therapist shall be readily available in person  
16 or by telecommunication to the physical therapist assistant at all time while the  
17 physical therapist assistant is treating patients. The supervising physical therapist  
18 shall provide periodic on site supervision and observation of the assigned patient  
19 care rendered by the physical therapist assistant.

20 (b) The supervising physical therapist shall initially evaluate each patient  
21 and document in the patient record, along with his or her signature, the evaluation  
22 and when the patient is to reevaluated

23 . . . . .  
24 (d) The supervising physical therapist shall reevaluate the patient as  
25 previously determined, or more often if necessary, and modify the treatment, goals  
26 and plan as needed. The reevaluation shall include treatment to the patient by the  
27 supervising physical therapist. The reevaluation shall be documented and signed  
28 by the supervising physical therapist in the patient's record and shall reflect the

1 patient's progress toward the treatment goals and when the next reevaluation shall  
2 be performed.

3  
4 (f) Within seven (7) days of the care being provided by the physical  
5 therapist assistant, the supervising physical therapist shall review, cosign and date  
6 all documentation by the physical therapist assistant or conduct a weekly case  
7 conference and document it in the patient record. Cosigning by the supervising  
8 physical therapist indicates that the supervising physical therapist has read the  
9 documentation, and unless the supervising physical therapist indicates otherwise,  
10 he or she is in agreement with the contents of the documentation.

11 (g) There shall be a regularly scheduled and documented case conference  
12 between the supervising physical therapist and physical therapist assistant  
13 regarding the patient. The frequency of the conferences is to be determined by the  
14 supervising physical therapist based on the needs of the patient, the supervisory  
15 needs of the physical therapist assistant and shall be at least every thirty calendar  
16 days.

17 (h) The supervising physical therapist shall establish a discharge plan. At  
18 the time of discharge, or within 7 (seven) days thereafter, a supervising physical  
19 therapist shall document in the patient's record, along with his or her signature,  
20 the patient's response to treatment in the form of a reevaluation or discharge  
21 summary."

22 13. Title 16, Section 1399 of the CCR provides:

23 "A physical therapy aide is an unlicensed person who assists a physical  
24 therapist and may be utilized by a physical therapist in his or her practice by  
25 performing nonpatient related tasks, or by performing patient related tasks.

26 (a) As used in these regulations:

27 (1) A 'patient related task' means a physical therapy service  
28 rendered directly to the patient by an aide, excluding nonpatient related tasks as

1 defined below.

2 (2) A 'nonpatient related task' means a task related to observation  
3 of the patient, transport of patients, physical support only during gait or transfer  
4 training, housekeeping duties, clerical duties and similar functions.

5 (b) 'Under the orders, direction and immediate supervision' means:

6 (1) Prior to the initiation of care, the physical therapist shall  
7 evaluate every patient prior to the performance of any patient related tasks by the  
8 aide. The evaluation shall be documented in the patient's record.

9 (2) The physical therapist shall formulate and record in the  
10 patient's record a treatment program based upon the evaluation and any other  
11 information available to the physical therapist, and shall determine those patient  
12 related tasks which may be assigned to an aide. The patient's record shall reflect  
13 those patient related tasks that were rendered by the aide, including the signature  
14 of the aide who performed those tasks.

15 (3) The physical therapist shall assign only those patient related  
16 tasks that can be safely and effectively performed by the aide. The supervising  
17 physical therapist shall be responsible at all times for the conduct of the aide while  
18 he or she is on duty.

19 (4) The physical therapist shall provide continuous and immediate  
20 supervision of the aide. The physical therapist shall be in the same facility as and  
21 in immediate proximity to the location where the aide is performing patient  
22 related tasks, and shall be readily available at all times to provide advice or  
23 instruction to the aide. When patient related tasks are provided to a patient by an  
24 aide the supervising physical therapist shall at some point during the treatment day  
25 provide direct service to the patient as treatment for the patient's condition or to  
26 further evaluate and monitor the patient's progress, and so document in the  
27 patient's record.

28 (5) The physical therapist shall perform periodic re-evaluation of

1 the patient as necessary and make adjustments in the patient's treatment program.

2 The re-evaluation shall be documented in the patient's record.

3 (6) The supervising physical therapist shall countersign with their  
4 first initial and last name, and date all entries in the patient's record, on the same  
5 day as patient related tasks were provided by the aide."

6 14. Section 1398.52, Title 16 of the California Code of Regulations provides:

7 "(a) A physical therapist assistant student is an unlicensed person  
8 rendering physical therapy services as part of academic training pursuant to  
9 section 2655.75 of the Code and shall only be identified as a 'physical therapist  
10 assistant student.' A person who has completed the required academic  
11 coursework may be identified as a 'physical therapist assistant intern' when  
12 rendering physical therapy services. When rendering physical therapy services,  
13 the required identification shall be clearly visible and include his or her name and  
14 working title in at least 18-point type.

15 (b) The physical therapist assistant student or intern shall be supervised by  
16 a physical therapist supervisor. A physical therapist assistant under the  
17 supervision of a physical therapist supervisor may perform as a clinical instructor  
18 of the physical therapist assistant student or intern when rendering physical  
19 therapy services.

20 (c) A physical therapist supervisor shall provide on site supervision of the  
21 assigned patient care rendered by the physical therapist assistant student or intern.

22 (d) The physical therapist assistant student or intern shall document each  
23 treatment in the patient record along with his or her signature. The clinical  
24 instructor shall countersign with his or her first initial and last name in the  
25 patient's record on the same day as patient related tasks were provided by the  
26 physical therapist assistant student or intern. The supervising physical therapist  
27 shall conduct a weekly case conference and document it in the patient record."

28 15. Section 2661.5 (a) of the Code states:



1            “In any order issued in resolution of a disciplinary proceeding before the  
2            board, the board may request the administrative law judge to direct any licensee  
3            found guilty of unprofessional conduct to pay to the board a sum not to exceed the  
4            actual and reasonable costs of the investigation and prosecution of the case.”

5            **EVENTS, ACTS OR OMISSIONS**

6            16.     On or about June 3, 2005, pursuant to section 2608.5 of the Code, a board  
7            appointed physical therapist, Lee Ann Banducci, and the Division of Investigation conducted an  
8            on-site inspection and audit of respondent’s physical therapy practice at Active Rehab Physical  
9            Therapy Clinic (“Clinic”) in El Sobrante.

10          17.     The physical therapy board consultant and investigator subsequently conducted an  
11          inspection and records audit of respondent’s physical therapy practice at Active Rehab Physical  
12          Therapy Clinic (hereinafter “Clinic-2”) in Vallejo<sup>2</sup> on 6/03/05.

13          18.     A review of Patient JB-D’s record revealed the following acts and/or omissions  
14          with respect to respondent’s treatment and practice:

15          (a)     On 8/17/04, JB-D was initially evaluated by L. Meneken, PT. There are no other  
16          entries in JB-D’s record that indicate that Meneken had any further involvement with this  
17          patient’s care and treatment.

18          (b)     On 8/18/04, 8/20/04 and 8/23/04, treatment notes are recorded and signed by  
19          respondent. There are no co-signatures by a physical therapist (PT) and no weekly conferences  
20          between respondent and a PT documented in the record in violation of Title 16, section  
21          1398.44(f) of the California Code of Regulations.

22          (c)     JB-D’s last visit at the Clinic was 8/23/04. However, the discharge summary for  
23          this patient which was written by respondent, a physical therapy assistant, (“PTA”) and co-signed  
24          by respondent was not prepared until 10/08/04 which is more than seven days after the patient’s  
25          last visit in violation of Title 16, section 1398.44(h) of the California Code of Regulations.

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26  
27  
28          2. Names of patients were redacted from the physical therapy records and replaced with a  
letter or number as an identifier.

1           19.     A review of Patient BD's record revealed the following acts and/or omissions  
2 with respect to respondent's treatment and practice:

3           (a)     Physical therapist, J. Lam, performed the initial evaluation for BD on 4/11/05.  
4 However, on subsequent visits to the Clinic, physical therapist, Peter Tan, is the only physical  
5 therapist identified in the records who was involved in the care and treatment of this patient and  
6 who co-signed the subsequent paperwork in the patient's chart. On 4/25/05, 4/29/05, 5/06/05,  
7 5/09/05, and 5/18/05, patient visits are recorded in BD's chart and documented by respondent.  
8 There are no co-signatures by a physical therapist recorded on these visits and there are no  
9 weekly conferences documented in the record between respondent and a physical therapist in  
10 violation of Title 16, section 1398.44(f) of the California Code of Regulations.

11           (b)     On 5/06/05, respondent prepared and signed the Progress Report for BD. It is co-  
12 signed by Peter Tan, PT, however, there is no documentation in the record that the supervising  
13 physical therapist provided any treatment to BD on this visit and/or that a supervising physical  
14 therapist reevaluated BD on this visit in violation of Title 16, section 1398.44(d) of the California  
15 Code of Regulations.

16           (c)     From 4/18/05 through 5/18/05, eight treatments are performed and recorded by  
17 respondent. Only three of the eight treatments were co-signed by a PT and there is no case  
18 conference recorded between respondent and a PT over this 30 calendar day period in violation  
19 of Title 16, section 1398.44(g) of the California Code of Regulations.

20           20.     A review of Patient RG's record revealed the following acts and/or omissions  
21 with respect to respondent's treatment and practice:

22           (a)     From 4/06/05 through 5/23/05, a time period greater than thirty calendar days,  
23 approximately nine treatments were performed by respondent and the treatment notes are co-  
24 signed by P. Tan, PT. There is no case conference documented in the patient record between  
25 respondent and a physical therapist in violation of in violation of Title 16, section 1398.44(g) of  
26 the California Code of Regulations.

27           21.     A review of Patient ML's record revealed the following acts and/or omissions  
28 with respect to respondent's treatment and practice:

1 (a) On 3/23/05, an initial evaluation was performed by physical therapist, J. Lam.  
2 The patient's final visit at the clinic was on 6/01/05. On 4/11/05, ML was treated by respondent.  
3 There is no co-signature on this date and no documentation of a weekly conference with the a PT  
4 in violation of Title 16, section 1398.44(f) of the California Code of Regulations.

5 (b) On 5/04/05, a Progress Report is prepared by respondent and co-signed by P. Tan,  
6 PT. There is no documentation in the record that a PT performed any treatment and/or an  
7 evaluation of ML on this date in violation of Title 16, section 1398.44(d) of the California Code  
8 of Regulations.

9 (c) From 3/03/05 through 6/01/05, a time period greater than thirty calendar days, ML  
10 received 20 physical therapy treatments with approximately 16 treatments performed by  
11 respondent. There are no documented case conferences in ML's record between respondent or a  
12 PT in violation of Title 16, section 1398.44(g) of the California Code of Regulations.

13 22. A review of Patient AM's record revealed the following acts and/or omissions  
14 with respect to respondent's treatment and practice:

15 (a) On 2/02/05, an initial evaluation was performed by physical therapist, J. Lam.

16 (b) On 3/11/05 and 5/04/05, Progress Reports are done and documented by  
17 respondent and co-signed by P. Tan, PT. There is no documentation in the record that  
18 respondent performed any treatment and/or an evaluation of AM on these dates in violation of  
19 Title 16, section 1398.44(d) of the California Code of Regulations.

20 (c) From 2/21/05 through 5/04/05, a time period greater than thirty calendar days,  
21 approximately 15 treatments were performed by respondent and the treatment notes are co-signed  
22 by respondent. There are no case conferences documented in the patient record between  
23 respondent and a PT in violation of Title 16, section 1398.44(g) of the California Code of  
24 Regulations.

25 (d) On or about 6/06/05, after a thirty day break in treatment, respondent resumed  
26 treatment with AM. There is no documentation in the record that AM was re-evaluated by a PT  
27 prior to respondent's resumption of treatment with AM which constitutes an extreme departure  
28 from the standard of practice in violation of section 2660(h) of the Code (gross negligence).

23. A review of Patient BP's record revealed the following acts and/or omissions with respect to respondent's treatment and practice:

(a) On 12/15/04, 12/20/04, 12/22/04, 1/24/05, 1/26/05, 1/28/05, 1/31/05, 2/02/05, and 2/04/05, BP was treated by respondent and these visits are recorded and signed by respondent. There are no co-signatures by a PT on these dates and no weekly conference between a PT and respondent recorded in the record in violation of Title 16, section 1398.44(f) of the California Code of Regulations.

(b) On 1/25/05, after a 28 day break in treatment, respondent resumed treatment of BP and no re-evaluation is done by a PT which constitutes an extreme departure from the standard of practice in violation of section 2660(h) of the Code (gross negligence).

(c) On 12/22/04, 2/23/05, and 4/18/05, Progress Reports are done and documented by respondent and co-signed by a PT. There is no documentation that a PT performed any treatment and/or an evaluation of BP on these date in violation of Title 16, section 1398.44(d) of the California Code of Regulations.

(d) From 2/16/05 through 4/20/05, a time period greater than thirty calendar days, approximately 13 treatments were performed by respondent. There are no case conferences documented in the patient record between respondent and a PT in violation of Title 16, section 1398.44(g) of the California Code of Regulations.

24. A review of Patient SP's record revealed the following acts and/or omissions with respect to respondent's treatment and practice:

(a) On 10/19/04, an initial evaluation was performed by physical therapist, P. Tan.

(b) On 10/25/04, 10/27/04, 11/01/04, 11/03/04, 11/08/04, 11/23/04, 11/29/04, 12/01/04, 12/06/04, 12/13/04, and 12/16/04, treatments were done and documented by respondent. There are no co-signatures in the record on these dates by a PT there is no documentation of a weekly conference between respondent and a PT in violation of Title 16, section 1398.44(f) of the California Code of Regulations.

(c) On 11/03/04, a Progress Report is done and documented by respondent and co-signed by P. Tan, PT. There is no documentation in the record that a PT performed any

1 treatment and/or an evaluation of SP on this date in violation of Title 16, section 1398.44(d) of  
2 the California Code of Regulations.

3 (d) From 10/25/04 through 12/16/04, a time period greater than thirty calendar days,  
4 approximately 12 visits were done and recorded by respondent. There are no case conferences  
5 documented in the patient record between respondent and a PT in violation of Title 16, section  
6 1398.44(g) of the California Code of Regulations.

7 (e) On 12/16/04, a discharge summary is done and signed by respondent and co-  
8 signed by P. Tan, PT. There is no documentation in the treatment note that a PT valued SP's  
9 response to treatment in violation of Title 16, section 1398.44(h) of the California Code of  
10 Regulations.

11 (f) On or about 5/13/05, after a thirty day break in treatment, respondent resumed  
12 treatment of SP. There is no documentation in the record that SP was re-evaluated by a PT prior  
13 to the resumption of treatment which constitutes an extreme departure from the standard of  
14 practice in violation of section 2660(h) of the Code (gross negligence).

15 (g) On 4/13/05, a Progress Report is done by respondent. There is no co-signature  
16 from a PT on this date and no documentation of a weekly conference in violation of Title 16,  
17 section 1398.44(f) of the California Code of Regulations. There is no documentation in the  
18 record that a PT performed any treatment and/or an evaluation of SP on this date in violation of  
19 Title 16, section 1398.44(d) of the California Code of Regulations.

20 25. A review of Patient MR's record revealed the following acts and/or omissions  
21 with respect to respondent's treatment and practice:

22 (a) On 4/11/05, an initial evaluation was performed by physical therapist, J. Lam.

23 (b) On 4/25/05, 4/29/04, 5/02/05, and 6/08/05, treatments were done and documented  
24 by respondent. There are no co-signatures in the record on these dates by a PT and there is no  
25 documentation of a weekly conference between respondent and a PT in violation of Title 16,  
26 section 1398.44(f) of the California Code of Regulations.

27 (c) On 5/04/05 and 6/08/05, Progress Reports are documented by respondent and co-  
28 signed by P. Tan, PT. There is no documentation in the record that a PT performed any treatment

1 and/or an evaluation of MR on these dates in violation of Title 16, section 1398.44(d) of the  
2 California Code of Regulations.

3 (d) From 4/18/05 through 6/17/05, a time period greater than 30 calendar days,  
4 approximately 11 treatments were done by respondent and a PT Aide only and there is no case  
5 conference documented in the record between respondent and a PT in violation of Title 16,  
6 section 1398.44(g) of the California Code of Regulations.

7 26. A review of Patient WR's record revealed the following acts and/or omissions  
8 with respect to respondent's treatment and practice:

9 (a) On 4/13/05, an initial evaluation was performed by physical therapist, J. Lam.

10 (b) On 5/23/05, 6/01/05, and 6/15/05, treatments were performed and documented by  
11 respondent. There are no co-signatures in the record on these dates by a PT and there is no  
12 documentation of a weekly conference between respondent and a PT in violation of Title 16,  
13 section 1398.44(f) of the California Code of Regulations.

14 (c) On 5/04/05 and 6/08/05, Progress Reports are done and documented by  
15 respondent and co-signed by P. Tan, PT. There is no documentation in the record that a PT  
16 performed any treatment and/or an evaluation of WR on these dates in violation of Title 16,  
17 section 1398.44(d) of the California Code of Regulations.

18 27. A review of Patient SW's record revealed the following acts and/or omissions  
19 with respect to respondent's treatment and practice:

20 (a) On 5/23/05, an initial evaluation was performed by physical therapist, J. Lam.

21 (b) On 4/11/05, a treatment was done and documented by respondent. There is no co-  
22 signature in the record on this date by a PT and there is no documentation of a weekly conference  
23 between respondent and a PT in violation of Title 16, section 1398.44(f) of the California Code  
24 of Regulations.

25 (c) On 5/16/05, a Progress Report is done and documented by respondent and co-  
26 signed by P. Tan, PT. There is no documentation that a PT performed any treatment and/or an  
27 evaluation of SW on this date in violation of Title 16, section 1398.44(d) of the California Code  
28 of Regulations.

1 (d) From 4/04/05 through 6/10/05, a time period greater than thirty calendar days, SW  
2 received approximately 16 treatments that were performed respondent. There are no case  
3 conferences documented in the patient record between respondent and a PT in violation of Title  
4 16, section 1398.44(g) of the California Code of Regulations.

5 28. A review of Patient SC's record revealed the following acts and/or omissions with  
6 respect to respondent's treatment and practice:

7 (a) On 5/11/05, an initial evaluation was performed by J. Lam, PT.

8 (b) On 5/20/05, a treatment was done and documented by respondent. There is no co-  
9 signature in the record on this date by a PT and there is no documentation of a weekly conference  
10 between respondent and a PT in violation of Title 16, section 1398.44(f) of the California Code  
11 of Regulations.

12 29. On or about 6/04/05, Lee Ann Banducci, PT made an on-site visit to the Clinic  
13 and observed respondent supervising a PT Aide in patient related tasks. During this visit, three  
14 patients were present and receiving care by respondent and PT Aide Gonzalez simultaneously  
15 with no physical therapist present. Respondent's conduct constitutes an extreme departure from  
16 the standard of practice in violation of section 2660 (h) of the Code (gross negligence) and/or  
17 aiding or abetting the any person to engage in the unlawful practice of physical therapy in  
18 violation of section 2660(k) of the Code.

19 **CAUSES FOR DISCIPLINARY ACTION**

20 30. The allegations of paragraphs 16 through 29, inclusive, are incorporated herein as  
21 if fully set forth.

22 31. Respondent is subject to disciplinary action based upon the events, acts, or  
23 omissions, as set forth herein in paragraph 30, pursuant to Business and Professions Code  
24 sections: 2660 (unprofessional conduct); and/or 2660(h) (gross negligence); and/or 2660(i)  
25 (violating, or attempting to violate, directly or indirectly, or assisting in or abetting the violating  
26 of, or conspiring to violate any provision or term of this chapter or of the State Medical Practice  
27 Act); and/or 2660(j) (aiding or abetting of any person to violate this chapter or any regulations  
28 duly adopted under this chapter); and/or 2660(k) (aiding or abetting of any person to engage in the

1 unlawful practice of physical therapy); and/or for violating or attempting to violate, or assisting in  
2 or abetting the violating of, or aiding or abetting or conspiring to violate section 1398.44 of Title  
3 16 of the California Code of Regulations, including subdivisions (a), and/or (b) and/or, (d), and/or  
4 (f), and/or (g), and/or (h); and/or section 1399 of Title 16 of the California Code of Regulations,  
5 subdivision b(4).

6 **PRAYER**

7 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
8 and that following the hearing, the Physical Therapy Board of California issue a decision:

9 1. Revoking or suspending Physical Therapist Assistant License Number AT 6671  
10 issued to respondent;

11 2. Ordering respondent to pay the Physical Therapy Board of California the  
12 reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
13 Professions Code section 2661.5;

14 3. Taking such other and further action as deemed necessary and proper.

15 DATED: June 5, 2007

16  
17 Original Signed By:  
18 STEVEN K. HARTZELL  
19 Executive Officer  
20 Physical Therapy Board of California  
21 Department of Consumer Affairs  
22 State of California

23  
24  
25  
26  
27  
28  
Complainant